



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

WILLIAMS et al. Atty. Ref.: 550-453; Confirmation No. 2826

Appl. No. 10/622,134 Group: Unassigned

Filed: July 18, 2003 Examiner: Unassigned

For: EOTAXIN: EOSINOPHIL CHEMOTACTIC CYTOKINE

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November 14, 2003

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**PETITION IN RESPONSE TO
NOTICE TO FILE MISSING PARTS**

A copy of the Notice to File Missing Parts dated November 11, 2003, is attached.

It is the undersigned's belief that the response date for filing the missing fees is January 7, 2004, and that this date is extendible under the provisions of 37 CFR 1.136(a).

Accordingly, the filing fees are not believed to be required at this time. It is also the undersigned's understanding that the actions described under in paragraphs I-III in the attached Notice with regard to Figures 3-5 requires a response by January 7, 2004, and the present Petition is responsive thereto.

Specifically, the attached Notice to File Missing Parts indicates that Figures 3-5 described in the specification were not included with the originally-filed papers. The applicants respectfully submit that the originally-filed application papers include a

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complete copy of the parent application text which was published as WO 95/07985 (i.e., PCT/GB94/02006), including Figures 3-5. The published parent application (i.e., WO 95/07985) contains 36 pages of a specification along with a 1 page abstract, 23 claims and 7 sheets of drawings. As indicated on the attached copy of the undersigned's Post Card receipt these 36 pages of the specification, 1 page of an abstract, 23 claims and 7 sheets of drawings were filed and received by the Patent Office on July 18, 2003.

In addition to these 7 sheets of drawings from the originally-filed application (which published as WO 95/07985), the undersigned additionally filed, with a cover "Submission of Formal Drawings", 7 sheets of Formal Drawings. Unfortunately, these 7 sheets of Formal Drawings were not complete and should have included Figures 3-5. The attached 8 sheets of Formal Drawings have been added to the application by way of the attached Amendment. These 8 sheets of Formal Drawings were filed in the parent application upon allowance.

It is believed that the 7 sheets of Formal Drawings, which were filed in addition to the originally-filed 7 sheets of the original application drawings, did not include the Figures 3-5 described in the attached Notice to File Missing Parts. The Patent Office has apparently only reviewed the Formal Drawings and it is believed the entirety of the originally-filed application should also be reviewed in this regard.

The filing and receipt by the Patent Office of the additional 7 sheets of Formal Drawings is evidenced by the attached copy of the undersigned's Post Card receipt dated July 18, 2003.

Accordingly, the originally-filed application text, which is the same as the parent application PCT/GB94/02006 (which published as WO 95/07985) contained all the

Figures 1-18 on 7 sheets of drawings and the attached Notice to File Missing Parts is believed to have been issued in error.

While the originally-filed papers are believed to have contained Figures 3-5 of the specification, as noted above, the undersigned also notes that the Preliminary Amendment and the undersigned's Cover Sheet filed July 18, 2003, incorporated by reference the contents of the parent applications, such as PCT/GB94/02006, which included Figures 3-5:

Grant of the present Petition in this regard and return of the undersigned's \$130.00 Petition Fee to Deposit Account No. 14-1140, in the manner described in the attached Notice to File Missing Parts are requested.

The attached 8 sheets of formal drawings are submitted for completeness.

Moreover, the attached Notice to File Missing Parts indicates that the Oath or Declaration was not filed and/or that a "properly signed Oath or Declaration in compliance with 37 CFR 1.63, identifying the application by the above application number and filing date is required." See, the attached Notice to File Missing Parts.

The applicants respectfully submit that such a further Declaration identifying the application by the new application Serial No. 10/622,134 and the filing date of July 18, 2003, is not required. In fact, the undersigned's filing of July 18, 2003, included a copy of the Declaration from the parent application and the same was received by the Patent Office on July 18, 2003. A further copy of the Declaration is attached for the convenience of the Office. As noted in the attached copy of the Notice originally published in the OG at 1177 OG 60 (July 13, 1995), a copy of the Declaration from a

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parent application may be used and there is no requirement to include the new serial number and/or filing date in such cases.

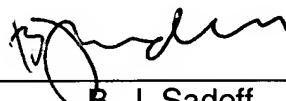
Accordingly, the applicants respectfully submit that, with regard to the attached Notice to File Missing Parts, the applicants filed a complete application, including Figures 3-5 mentioned in the attached Notice to File Missing Parts, and a copy of the Declaration from the parent application which should be sufficient.

Grant of the present Petition and return of the undersigned's \$130.00 Petition fee to Deposit Account No. 14-1140 are requested. A further response is being considered with regard to payment of the fees indicated as being required in the attached Notice to File Missing Parts by January 7, 2004. Nothing further is believed to be required however at this time in this regard. The Office is requested to advise the undersigned if otherwise.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____



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